GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

School Education – The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 – Amendments - Notification – Orders –Issued.

SCHOOL EDUCATION (PROG.II) DEPARTMENT

G.O.Ms.No.129 Dated:15-07-2022.

Read the following:

1. G.O.Ms.No.20, School Education (PE- Progs.I)Dept., dtd: 03.03.2011.
2. G.O.Ms.No.130, School Education (PE- Prog.I)Dept., dtd: 09.09.2011.
3. G.O.Ms.No.41, School Education (PE-SSA)Dept., dtd: 19.06.2013.
4. G.O.Ms.No50, School Education (Prog.II)Dept., dtd:01.10.2020.
5. G.O.Ms.No.85, School Education (Prog.II)Dept., dtd:24.12.2021.
6. From the Chairperson, NCPCR, New Delhi, F.No.25015/21/2017-18/NCPCR/218182-218183, dtd:23.08.2021.
7. From the CSE, AP, e-File No. SS-18021/6/2022-LEGAL-SSA (Computer No. 1672349), dtd:22.05.2022.

---xxx---

In the G.O. first read above, the Government have framed the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 under the provisions of the Right of Children to Free and Compulsory Education Act, 2009, (Act No.35 of 2009) and published the Notification in Extra-ordinary issue of the Andhra Pradesh Gazette, dated: 05.03.2011.

2. In the letter sixth read above, the Chairperson, NCPCR, has informed that Standard Operating Procedure (SOP) for implementation of Section 12(1)(c) of the RTE Act, 2009 - Model Procedure for Effective Implementation, has been developed by NCPCR, with the support of Ministry of Education (MoE), to strengthen the processes for private schools in fulfilling their responsibilities as given under the Act and requested to implement the provisions in the State and extend the rights to the disadvantaged children, as the State Governments is to bring out mechanisms for implementation of the different provisions of the RTE Act, 2009.

3. In the letter seventh read above, the Commissioner of School Education, has submitted proposal for making certain amendments to the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010.

4. Government after careful examination of the matter, hereby order to amend the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 issued in G.O.Ms.No.20, School Education (PE-Progs.I) Department, dated: 03.03.2011 suitably.

5. Accordingly, the following notification will be published in an Extra-Ordinary issue of the Andhra Pradesh Gazette dated: 15.07.2022.

(P.T.O.)

NOTIFICATION

In exercise of the powers conferred by sub-section (i) of Section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (Act No.35 of 2009), the Government of Andhra Pradesh hereby make the following amendments to the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 issued in G.O.Ms.No.20, School Education (PE-Progs.I)Department, dated:03.03.2011, as subsequently amended from time to time:-

AMENDMENTS

In the said Rules:-

(i). In rule 8, after sub rule (2), the following shall be added, namely, -

"3. (I) Procedure:

a) Schools:

Every school shall publish a notice (Form- I) accessible to the public, well before the start of the admission process of the concerned academic session or giving effect to above mentioned at least 25% admission at the entry level. This shall include :—

The total number of seats available in class I or pre- school at the entry level in the school shall not be less than the average number of seats in the entry class in the previous three academic years.

(b) Eligibility Criteria for Admission:

Children eligible for admissions under Section 12(1)(c) of the Act shall be determined by the sub-rules (3), (4), (5) of Rule 3(I) and sub-rule (2) of Rule 9 of this Rules, 2010 and eligibility criteria prescribed for JAGANANNA AMMAVODI vide G.O.Ms.No.63, School Education (Prog.II) Department, dt.28.12.2020.

(c) Registration of Child:

i. In order to apply for admission in 25% reserved seats in un-aided schools under the Act, parents / guardians of eligible children may visit the online portal created by the Department of School Education as per these instructions and apply themselves or with the support of the Headmaster / Principal of the school concerned or Mandal Education Officer (MEO)/ Ward Secretariat.

ii. The parents / guardians of the eligible children have choice to select multiple schools for admission as per their choice in order of priority.

(d) Documents Required for Admission:

i. For the admission, proof of residence and proof of age shall be considered by documents furnished under Rule 9 and Rule 11 of the *this Rules, 2010 and SOP of CSE, AP.*

(contd...p-3)

ii. In case non production of the certificates by the Parent the same should be brought to the notice to District Admission Monitoring Committee (DAMC) for taking appropriate decision.

(II) Responsibilities

(a) State Government:

The State Government shall provide free and compulsory elementary education to children as per 12 (1) (C) of the Act and in accordance with rule 10 of this Rules, 2010 and section 12(2) of the Act, 2009.

(b) Commissioner / Director for School Education:

i. Commissioner / Director for School Education includes the State Project Director Samagra Shiksha is the State level implementation authority of section 12 (1) (C) of the Act read with Rule 3(I)(27) of this Rules, 2010.

ii. Commissioner / Director for School Education shall create and online portal provisioning each school has access to submit reimbursement claims every financial year. These claims are divided into different headers such as admission fee, tuition fee, development fee, books, uniform etc., as per the number of students studying under the EWS/DG quota in the respective schools.

iii. The online portal for filing reimbursement should be live and functioning on or before 1st March every year with direction(s) to school to submit claims on or before 31st March. The department completes verification by 15th July and uploads their findings on the portal, inviting comments from the concerned school. Schools submit objections if any, by 31st July.Department addresses concerns by 15th August. Department releases payments by 31st August. Disputes if any, must be settled by 30th September.

iv. The Commissioner/Director for School Education shall create an online portal for the admissions allowing them to fill just one application form that lets them choose as many schools as they wish in their neighborhood.This has enabled parents to select the school(s) of their choice without having to visit the school or fill multiple forms for different schools. This online application portal has to empower the government officials for effective monitor mechanism in the admissions process.

v. The Commissioner/Director for School Education shall allocate the seats through lottery (generated by the system) based on the number of seats available as per the definitions defined under neighborhood.

vi. The Commissioner/Director for School Education shall ensure the mapping of Schools as defined under Rule 3(I)(22) of this Rules, 2010.

(contd....p-4)

vii. The Commissioner/Director for School Education shall constitute a State Advisory Council within three months of this notification as prescribed under Rule 28 of this Rules, 2010;

viii. The Commissioner/Director for School Education shall constitute the District Admission Monitoring Committee with immediate effect after this notification;

ix. The Commissioner/Director for School Education shall issue the Standard Operating Procedures (SOP) for effective implementation of 12(1)(C) of the Act 2009.

x. The Commissioner/Director of School Education shall issue a detailed Schedule for Admissions under section 12(1)(C) of the Act immediately.

(c) Regional Joint Director:

The Regional Joint Director, School Education shall institute a mechanism for inspection every quarter to ensure:

i. That children coming to school and are not facing any discrimination by the private school management, parents or students;

ii. No enrollment of children who are not eligible under Rule 3;

iii. Process for Withdrawal of Recognition of Schools for non-compliance with this order and imposition of penalties therein.

(d) District Education Officers:

i. The DEO is responsible for implementation of 12 (1) (c) at District Level and redressing authority of grievances pertaining to admissions discrimination harassment and other wise as prescribed under Section 32 (1) & (2) of Act 2009.

ii. In case, the application of any child is found not to be in order and is rejected, the reasons for its rejection shall be recorded and are to be communicated to the parents.

iii In case the number of applications for admission against the free seats is above the number of seats available, then it should be allocated from the list of candidates through lottery system.

iv. Withdrawal of Recognition of Schools for non-compliance with this order and imposition of penalties therein.

v. Redressing Authority of grievances pertaining to admissions discrimination/harassment authority pertaining to admissions.

(contd....p-5)

(e) Parent:

i. Every parent and guardian of eligible children under rule 9(4) of this Rules 2010 shall be responsible to apply for admissions under Section 12(1)(c) read with Section 10 of the Act.

ii. The parent / guardian of the eligible children shall select multiple schools for admission of their child as per his/her choice in order of priority.

(f) Principal/Head Master:

i. The admissions against the free seats in the School shall be supervised and regulated by the Head of the School;

ii. The Principal/Head Master shall ensure that the School will support to apply on behalf of any parent approaching the School for admission.

iii. Shall not fill the free seats with the general candidates under any said circumstances, failing which necessary disciplinary action will be initiated against the schools / managements.

(g) School Management:

i. All private unaided schools who have affiliations under State, Central and International Boards shall be mandated to admit children under Section 12(1)(c) of the Act.

ii. All private unaided schools those have obtained Certificate of Registration / Recognition from the State Government of Andhra Pradesh under Rule 14 of this Rules, 2010 and Section 18 of the Act will have to register on the online portal as prescribed by the Government of Andhra Pradesh to accept 25% admission of students under the RTE Act and Rules, 2010 following the instructions available on the portal with immediate effect of this notification.

iii. Where any school as registered under Rule 14 of the Rules read with Section 18 of the Act contravenes the conditions of recognition including the enforcement of Section 12(1)(c) of the Act shall be subject to Withdrawal of Recognition as per Rule 16 of this Rules, 2010.

iv. The Private Management shall file annual return in the prescribed proforma to the DAMC of the concerned district regarding details of admissions made within 10 days of the closure of admission.

v. List of children admitted in the first list along with the waiting list to the extent of 25% of seats under Section 12(1) (c) of the Act shall be displayed on the notice board of the school as and when the list are notified by the CSE.

(contd...p-6)

vi. The School shall display all those details as mentioned in paras (a) and (b) above on its website inevitably.

vii. All schools irrespective of their Board Affiliations shall earmark 25% of their total seats for admission in the entry class every academic year.

viii. Provided where admission cycle of certain schools does not coincide with the admissions under Section 12(1)(c) under state Government during the academic year, such schools shall block 25% of their seats in the entry class subsequently and take up admissions as per these rules and as per their cycle of admissions.

(h) District Admission Monitoring Committee:

i. There shall be a District Admission Monitoring Committee (DAMC) instituted in each district and the concerned District Education Officer shall be the Chairperson for the DAMC. The DAMC shall maintain the Register/database of grievances and will take immediate appropriate action for their redressal.The information shall also be made available on the website of the Commissionerate of School Education by DAMC.

ii. The DAMC shall prepare school wise/cluster wise/zone-wise vacancy data for free-seats and shall forward the names of children to schools where vacant seats are available, for admission against free-seats, following the principle of neighborhood school.

iii. The DAMC may call for the details from any school under its jurisdiction for ensuring compliance of this order / notification.

iv. The DAMC shall establish a Help-Desk in the district office to help parents/guardians regarding Admissions and related procedures, during office hours manned by a minimum of two well-conversant officials of the District/Zone. The help desk shall be functional till the admission process is closed after completion of the three rounds of lottery or as and when all seats are filled.

(iii) In rule 9, -

(i) under sub rule (2), for the second and third provisos, the following shall be substituted, namely,-

"Provided that if the requisite percentage of seats for children referred to in clause (c) of sub-section (1) of section 12 of the Act is not filled up, the area or limits shall extend to 3 kms for the purpose; Provided further that the school may, for the purposes of filling up the requisite percentage of seats for the children referred to in clause (c) of sub-section (1) of section 12, extend the limit with the prior permission of Commissioner of School Education up to 5 kms, if the seats are still vacant.

(contd....p-7)

Provided further that before extending the limits of the local area, the District Admission Monitoring Committee (DAMC) shall ensure that all the seats in the Government School have been filled up.".

(ii) After sub rule (4), the following shall be added, namely:-

"(5). (i) Online Lottery:

a) If more applications are received from eligible candidates, then the seats notified will be allotted to eligible children, an online lottery process considering their priority and category as per the Act, 2009 and Rule 9(4) of this Rules, 2010. Lottery shall remain open till seats are filled or a minimum of two rounds of admission will be conducted to fill in the seats. Schools will offer admission to the children according to the online lottery allotment.

b) Any parent or guardian of a child, aggrieved by the action of the school may file a complaint in writing to the District Admission Monitoring Committee (DAMC). The grievances shall include as per the Section 13(1) of the Act, 2009:

(ii) The State Advisory Council shall function as per Section 34 of the Act to advise the Commissionarate of School Education, Government of Andhra Pradesh on implementation of clause (c) of sub-section (1) of section 12 of the Act.

(iii) The SCPCR shall be responsible for monitoring the implementation of clause (c) of sub-section (1) of section 12 of the Act. The Powers of the SCPCR are to be exercised as defined in sections 31 and 34 of the Act, 2009.

(iv) The implementation of clause (c) of sub-section (1) of section 12 of the Act shall not apply to the (a) Unaided Minority Schools; (b) Madarasas, Oriental Schools and Educational Institutions primarily imparting religious instructions.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner, Printing & Stationary, A.P., Vijayawada (with a request to publish the G.O in the A.P. Gazette (Extraordinary) dated:15.07.2022. (for supply 200 copies to the Government Department)
The Commissioner of School Education, AP, Vijayawada.
The State Project Director, APSS, Vijayawada.
The Director, State Council of Educational Research & Training (SCERT), AP, Vijayawada.

Copy to:
The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Government of India, New Delhi.
The PS to Secretary to Chief Minister.
The PS to Minister for Education.
The PS to Chief Secretary to Government.
The PS to Spl. Chief Secretary to Government (SE)
The Law (B) Department.
The Finance Department.
All remaining HoDs under the control of School Education Department.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFCER